

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**CORRECTED  
FISCAL NOTE**

**SB 3114 – HB 3882**

March 11, 2010

**SUMMARY OF BILL:** Prohibits state and local government from limiting or denying access to public records because the government is involved in or contemplating litigation. Prohibits state government from limiting or denying access to public records in its possession that are not otherwise confidential because the Attorney General has originals or copies of the same records.

**ESTIMATED FISCAL IMPACT:**

On February 2, 2010, we issued a fiscal note with an impact of *minimal*. After further discussions with the Comptroller's office, an additional assumption has been added. There is no change in the fiscal impact.

**(CORRECTED)**

**MINIMAL**

Assumptions:

- According to the Comptroller's Office of Open Records Counsel, this bill codifies the Tennessee Court of Appeal's decision in *Konvalinka v. Chattanooga-Hamilton County Hospital Authority* and does not substantively change current law.
- Disclosure of public records will remain subject to any statutory exemption to the public records law or any attorney-client privilege, work product exception, protective order, court rule or other exemption from disclosure under current statutory law, administrative rule or regulation, judicial rule, or the Tennessee or United States Constitution.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in cursive script, reading "James W. White".

James W. White, Executive Director

/kmc

**SB 3114 – HB 3882 (CORRECTED)**